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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,665	07/07/2003	Larkin Hill Lowrey	0307091.0156	7577

35602 7590 10/27/2004

STEPHEN C. GLAZIER
KIRKPATRICK & LOCKHART LLP
1800 MASSACHUSETTS AVENUE, NW
WASHINGTON, DC 20036

EXAMINER

BROADHEAD, BRIAN J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,665

Applicant(s)

LOWREY ET AL.

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8-24-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 8-24-04 was filed after the mailing date of the first action on 3-11-04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. The references that were not considered on the 1449 were copies of reference already considered.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-67, and 69 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 7-16, 20-22, and 27-34 of copending Application No. 09/804888. Although the conflicting claims are not identical, they are not patentably distinct from each other because they use some different terms that are obvious replacements for each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

1. Claim 68 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 7-16, 20-22, and 27-34 of copending Application No. 09/804888 in view of Lin et al., 6400701. . Lin et al. teaches using a wireless access protocol when accessing the internet through a wireless connection on lines 41-56, on column 11. It would have been obvious to one of ordinary skill in the art to use the WAP of Lin et al. in the above invention because such modification would allow wireless internet access to the maintenance information.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

2. Claims 1 through 67 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lange et al. 6295492, in view of Shetty et al., 5808907.

3. As per claims 1 through 67 and 69, Lang et al. disclose generating a data packet from the vehicle using a wireless appliance, the data packet containing numerical diagnostic data from a computer in the vehicle on lines 30-33, on column 3; transmitting the data packet over an air link with the wireless appliance so that the data packet passes through a network and to a host computer system on lines 30-33, on column 3; processing the data packet with the host computer system to generate numerical diagnostic data on lines 35-40, on column 3; and displaying the numerical diagnostic data on a web site hosed on the internet, the web site comprising a series of pages corresponding to individual vehicles and a series of pages corresponding to a group of

vehicles on lines 60-65, on column 4; having multiple vehicles transmitting data packets on lines 9-10, on column 3; extracting numerical data from the data packet on lines 11-15, on column 3; the processing step further includes generating a set of data that comprises an alphanumeric text message on lines 35-40, on column 3; generating and displaying a set of data that comprises an alphanumeric text message in figure 2; and the vehicle parameter is a trouble code and the text message describes the active or pending diagnostic trouble code on lines 25-30, on column 3; the web site implementing a first web interface having a first login and dedicated to presenting information about said vehicle, and a second web interface having a second login and presenting information about a group of vehicle including said vehicle on lines 38-45, on column 2; wherein the transmitted data contains one or more vehicle parameters and wherein the processing step further includes processing at least one of the vehicle parameters with a database software on lines 39-41, on column 4. Lange et al. do not disclose the step of sending an electronic mail message that comprises all or part of the alphanumeric text and with the host computer comparing the data to at least one data value to generate diagnostic data or location information; the alphanumeric text message comprises a 5, 6, or 7 digit code that describes the active or pending diagnostic trouble code on lines 15-17, on column 3; the processing step further comprises processing at least one numerical parameter with a mathematical equation on lines 37-41, on column 2; the processing step further comprises comparing and displaying at least one numerical parameter with at least one numerical parameter generated at an earlier point in time on line 2, on column 3; the numerical value is a mileage value, the

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alphanumeric text message includes one parameter from the numerical data, and displaying the alphanumeric text message on the web page in figure 2; the web site comprises a login page and fields for entering a multiple user name and password on line 17, on column 4; the first user corresponds to a vehicle owner and a second user name corresponds to a corporation with a fleet of vehicles on line 5, on column 3

4. Shetty et al. teaches of sending an electronic mail message that comprises all or part of the alphanumeric text on lines 33-50, on column 2; and with the host computer comparing the data to at least one data value to generate diagnostic data or location information on lines 28-37, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the email and alerts of Shetty et al. in the invention of Lange et al. because such modification would provide a warning manager that provide a method for providing information relating to a mobile machine.

5. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lange et al., in view of Shetty et al. as applied to claims 1-67 above, and further in view of Lin et al., 6400701.

6. Lang et al. and Shetty et al. discloses the limitations as set forth above. Lange et al. and Shetty et al. does not disclose the graphical interface is formatted with at least one wireless access protocol. Lin et al. teaches using a wireless access protocol when accessing the internet through a wireless connection on lines 41-56, on column 11. It would have been obvious to one of ordinary skill in the art to use the WAP of Lin et al. in the above invention because such modification would allow wireless internet access to the maintenance information of the Shetty et al. and Lange et al.

Response to Arguments

7. Applicant's arguments filed 7-8-04 have been fully considered but they are not persuasive. The first argument is that Lang does not disclose "a series of pages corresponding to individual vehicles and a series of pages corresponding to a group of vehicles". This is not convincing since on lines 5-12, on column 3, Lang discloses an interface that displays information for several vehicles(Figure2); and on lines 18-27, on column 4, Lang discloses an interface that shows only information for one vehicle. Lang also discloses multiple users so there would be many of these different pages. The second argument is that each interface has its own login. Lang discloses that each user has to be authorized to see the information meant for them on lines 2-4, on column 3, and on line 16, on column 4 states that the user logs onto the system. It is inherent and very clear that each user has his own login otherwise there would be no way to determine what to display. The third argument deals with "generating diagnostic or location information that is at least in part derived from the received data." The term "generating" is broad and could simply be Lang's act of formatting the data to the form used in the interface. The teaching away argument is also not convincing because the single interface Lang discusses is for having all the information in one spot for each driver or user. So each user would have a single interface, but different users could have different interfaces.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BJB

Thomas G. Smith
THOMAS G. SMITH
SUPERVISORY PATENT EXAMINER
GROUP 3661